

REMARKS/ARGUMENTS

Prior to the entry of this Amendment, claims 10-21 were pending in this application. Claims 10 and 18 have been amended, claim 21 has been canceled, and claims 22 and 23 have been added herein. Therefore, claims 10-20, 22, and 23 remain pending in this application. Support for the amendments and new claim can be found at, for example, ¶¶ [0020], [0036] and [0041]. Applicants respectfully request reconsideration of these claims, as amended, for at least the reasons presented below.

35 U.S.C. § 102 Rejection, Elwahab

Claims 10, 17, and 18 stand under 35 U.S.C. §102(b) as being anticipated by U.S. Publication No. 2001/0034754 A1 of Elwahab et al. (hereinafter "Elwahab"). The Applicants respectfully submit the following arguments pointing out significant differences between claims 10 and 18 submitted by the Applicants and Elwahab.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Elwahab fails to disclose each and every claimed element. For example, Elwahab fails to disclose, either expressly or inherently, "abstracting the **data type** of the first content object" (emphasis added) as recited in claim 10. Additionally, Elwahab fails to disclose, either expressly or inherently, "providing a guide, wherein the guide indicates the first plurality of content objects" as recited in claim 18.

Elwahab is directed to "a Markup-Language-type content server used in conjunction with a customer premise gateway, via Markup-Language-type pages (e.g., HTML, XML, and the like), remote access and control of smart devices, appliances, personal computers, and other devices and systems connected at a customer premise via different communication

means and protocols." (para. 3) That is, Elwahab discloses a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. (para. 9).

As defined for example on page 5, paragraph 20 of the detailed description of the pending application, a content object is defined as "content maintained as an accessible object that can be accessed, utilized, and/or stored." Furthermore, examples of such content "include, but [are] not limited to, traditional content including movies, music, games, voicemails, emails, software, security video, emergency alerts, and any other content that comes to the home or can be requested from the network via providers." (para. 24) Elwahab does not disclose abstraction or distinction of such content. For example, Elwahab does not disclose abstraction or distinction of video objects, audio objects, etc. or grouping sources of such objects into sources and destinations. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system.

The Office Action argues that Elwahab teaches abstraction and distinction of content objects. The Applicants respectfully disagree. The Office Action discusses how the software drivers disclosed in Elwahab distinguishes information (by distinction) from an abstraction layer. The Office Action suggests this functionality allows the software driver to distinguish information that it is directed to the appropriate device. This, however, is not what is claimed with respect to the distinction engine in the pending claims. The distinction engine allows different content objects to be made compatible with different content object entities. Claim 10 involves first abstracting content objects from one content object entity then distinguished the abstracted content object so that the resulting content object is now compatible with a different content object entity.

For example, paragraphs 33 and 36 of the detailed description of the pending application disclose one possible example where an abstraction engine would access a MPEG video (a first content object) stored on a recorded video media (a first content object entity) and decompress it to create an uncompressed digital video object (a second content object entity).

The distinction engine could format that digital video object into another format, like an NTSC video signal (a third content object), so that the newly formatted content object could be played on a regular television set (a second content object). Elwahab does not teach or suggest all these elements as recited in claim 10, specifically, a distinction engine that could conform a content object to a second content object entity.

Claim 10 recites in part, "abstracting the **data type** of the first content object to create a second content object in an abstract format, wherein the abstract format is compatible with a plurality of content formats; distinguishing the second content object to create a third content object" (emphasis added). Elwahab does not disclose, either expressly or inherently, abstracting the **data type**. Rather, the abstraction layer of Elwahab is between the "**Internetworking** protocols (e.g. IP, IPx, CEBus, and the like) and the **Transport** protocols and the **lower layer** physical software drivers." (para. 31, emphasis added). The OSI model is well understood in the art. The OSI model consists of the following layers, from layer 1 (the lowest layer) to layer 7 (the highest layer): Physical, Data link, (Inter)network, Transport, Session, Presentation, and Application. In other words, the abstraction layer of Elwahab is directed to *layer 4 and lower* (i.e. the **Transport, (Inter)network, and lower layers** as described in Elwahab). However, as is well understood in the art, "abstracting the data type" in claim 10 operates at layers *above layer 4*. Elwahab clearly fails to disclose, either expressly or inherently, operations *above layer 4*. In other words, Elwahab clearly fails to disclose abstraction or distinction of content objects. Furthermore, Elwahab does not disclose abstracting a first content object from a first content object entity and then distinguishing the resulting second content object into a third content object that is compatible with a second content object entity. Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. For at least these reasons, claims 10-17 should be allowed.

Claim 18 recites in part, "grouping the identified content object entities into a first plurality of content object entities and a second plurality of content object entities, wherein the first plurality of content object entities are sources of content objects and wherein the second

plurality of content object entities are destinations of content objects capable of utilizing the content objects." Elwahab does not disclose, either expressly or inherently, content objects that the content object entities are capable of storing, sourcing, or utilizing content objects. Rather, Elwahab describes "web browser access and control of smart devices, appliances and systems" and access and control of smart devices. (para. 9 and 62). In other words, the command or management message in Elwahab either accesses or controls the content object entities. The command or management message is not a content object that a content object entity is capable of storing, sourcing, or utilizing. To access or control is different from being stored, sourced, or utilized.

Claim 23 recites in part, "the content object comprises at least one of voicemail, email, [or] video." Clearly, none of voicemail, email, or video is directed to access or control a content object entity. Rather, voicemail, email, or video are content objects that a content object entity is capable of storing, sourcing, or utilizing. In other words, as discussed above with respect to claims 10, Elwahab fails to disclose content object entities that are sources of content objects that are different than content object entities which are the destination of those content objects. Elwahab also fails to disclose, expressly or inherently, grouping sources of content objects. Rather, Elwahab describes a system for allowing a user to remotely control appliances within his home, e.g., HVAC, lighting, security system. For at least these reasons, claims 18-20, 22, and 23 should be allowed.

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey

The Office Action has rejected claims 11-14, 16, 19 and 20 under 35 U.S.C. §103(a) as being unpatentable over Elwahab as applied to claims 1-10 and 17-19 above, in view of U.S. Patent No. 6,576,981 of Jeffrey (hereinafter "Jeffrey"). As discussed above, claim 10, upon which claims 11-14 and 16 depend, and claim 18, upon which claims 19 and 20 depend, are thought to be allowable. Therefore, claims 11-14, 16, 19 and 20 are also thought to be allowable at least by virtue of their dependence on an allowable base claim.

Appl. No. 10/632,661

PATENT

Amdt. dated: October 12, 2007

Amendment under 37 CFR 1.114 Request for Continued
Examination

35 U.S.C. § 103 Rejections, Elwahab in view of Jeffrey and further in view of Baer

The Office Action has rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Elwahab and Jeffrey, in view of U.S. Patent No. 6,611,840 of Baer et al (hereinafter "Baer"). As discussed above, claim 10, upon which claim 15 depends, is thought to be allowable. Therefore, claim 15 is also thought to be allowable at least by virtue of its dependence on an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Respectfully submitted,

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